

## **REMARKS/ARGUMENTS**

### **Claim Amendments**

By the present amendment, claims 3, 5-20 and 22-24 have been cancelled without prejudice. Claims 53-70 are new claims depending from claim 21. Claims 53-55 correspond in scope to claims 22-24 as originally filed but have been rewritten so that they depend on claim 21. Claims 56-70 correspond in scope to claims 6-20 as originally filed but have been rewritten to depend, directly or indirectly on claim 21.

The claim amendments have been made without prejudice and without acquiescing to any of the Examiner's objections. The Applicants reserve the right to file any of the cancelled subject matter in a divisional patent application. The Applicants submit that no new matter has been entered by the present amendment and entry of the amendments is respectfully requested.

The Office Action dated August 24, 2006 has been carefully considered. It is believed that the claims submitted herewith and the following comments represent a complete response to the Examiner's comments and place the present application in condition for allowance. Reconsideration is respectfully requested.

The Applicants acknowledge and appreciate the Examiner's withdrawal of his objection to claims 1-3 and 6-20 under 35 USC §102(b) as being anticipated by Wagter et al. (J. Dairy Science, 1996, Vol. 79 (Suppl. 1, page 119). The Examiner has requested that the Applicants furnish additional information concerning the content disclosed on the poster presented by Wagter et al. at the 91<sup>st</sup> Annual Meeting of the American Dairy Science Association, held July 14-17, in Corvallis Oregon. The Applicants submit that this information is unknown and/or not readily available to them are not able to reply to the Examiner's request. The Applicants submit that this represents a complete reply to the Examiner 37 CFR §1.105 requirement according to Section 704.12(b) of MPEP.

The Examiner has objected to claims 3 and 5-24 under 35 USC §102(b) as being anticipated by Applicants' own CA 2,255,423. While not agreeing with the Examiner's objection, to expedite allowance of this case, the Applicants have cancelled claims 3 and 5-24 in the present amendment. Accordingly, the Examiner's objection has been rendered moot.

In light of the above, the Applicants request that the Examiner's objection to claims 4, 5 and 22-24 under 35 USC 102(b) be withdrawn.

The Examiner has objected to claims 3, 6-20 and 22-24 under 35 USC §112, first paragraph. Specifically, the Examiner contends that the limitation that negative changes in antibody responses are "given greater weight" than changes in antibody responses at other times does not meet the written description requirement of 35 USC §112, first paragraph. While not agreeing with the Examiner, to expedite allowance of this case, the Applicants have cancelled claims 3, 6-20 and 22-24 by the present amendment. The Applicants further note that the expression "given greater weight" has not been used in the new claims submitted herewith.

In light of the above, the Applicants request that the Examiner's objection to 3, 6-20 and 22-24 under 35 USC §112, first paragraph be withdrawn.

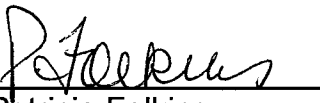
The Applicants acknowledge and appreciate the Examiner's indication of the allowability of claim 21. Claim 21 has been retained in the present amendment and new claims 53-70, depending on claim 21, have been added. The Applicants therefore submit that the present application is in condition for allowance.

The Commissioner is hereby authorized to charge any deficiency in fees (including any claim fees) or credit any overpayment to Deposit Account No. 02-2095.

Early and favorable action on the merits is awaited. Should the Examiner deem it beneficial to discuss the application in greater detail, the Examiner is invited to contact the undersigned by telephone at (416) 957-1683 at the Examiner's convenience.

Respectfully submitted,

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